

_____ BILL NO. _____

INTRODUCED BY _____

(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND CLARIFYING THE PROHIBITION ON THE USE OF QUOTAS FOR PEACE OFFICERS; EXTENDING THE PROHIBITION TO PUBLIC CONTACTS; PROVIDING A PENALTY; AMENDING SECTION 46-6-420, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 46-6-420, MCA, is amended to read:

"46-6-420. Arrest, citation, ~~or~~ stop, or public contact quotas prohibited -- penalty -- definition. (1)

(a) A state or local government agency employing a peace officer may not adopt and require a peace officer to comply with a quota and may not suggest a quota for public contacts or for arrests, citations, or investigative stops for any criminal offense or class of criminal offenses, including violations of traffic or motor vehicle laws, contained in state law, an administrative rule adopted by an agency of the state government, or a local government ordinance.

(b) A state or local government agency employing a peace officer may not:

(i) establish a formal, informal, written, or verbal quota for a law enforcement agency or for the officers of that agency; or

(ii) use the number of arrests, citations, investigative stops, or public contacts made by a peace officer as the sole or primary criterion for promotion, demotion, dismissal, or transfer of an officer.

(c) The number of arrests, citations, investigative stops, or public contacts made by a peace officer may not be used in personnel actions, including but not limited to evaluations, training decisions, promotions, commendations, transfers, counseling, or corrective actions, including suspension or termination.

(2) A violation of this section by a supervisor is considered official misconduct as provided in 45-7-401.

(2)(3) For purposes of this section, "quota" means the use of a specific number of arrests, citations, ~~or~~ investigative stops, or public contacts that a peace officer is expected to make in a specific time period. The term includes a specific number derived from calculations, whether established before or after the specified time period."

1 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

2 - END -